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DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES
DIVISION OF ENVIRONMENTAL PROTECTION

333 W. Nye Lane, Room 138
Carson City, Nevada 89706

NOTICE OF PROPOSED ACTION
July 28, 2004

By the
Nevada Division of Environmental Protection
Bureau of Water Quality Planning

Total Maximum Daily Load for Walker Lake, Mineral County

Pursuant to Section 303(d) of the Clean Water Act, the State of Nevada is required to develop a list of impaired waterbodies that need additional work beyond existing controls to achieve or maintain water quality standards. For those waters included on this 303(d) List, the State of Nevada is required to develop Total Maximum Daily Loads (TMDLs¹).

On October 16, 2001, Mineral County and the Walker Lake Working Group filed a civil action in federal district court against EPA under the Clean Water Act alleging that the EPA had failed to take necessary steps to save Walker Lake. On November 22, 2002, the parties entered into a Consent Decree agreeing to the following actions:

1. If Nevada fails to include Walker Lake on the 2002 303(d) List for total dissolved solids (TDS), EPA will either:
 - a. Determine that Walker Lake needs to be listed for TDS and amend Nevada's 303(d) List; or

¹ TMDLs are an assessment of the amount of pollutant a water body can receive and not violate water quality standards. Also, TMDLs provide a means to integrate the management of both point and nonpoint sources of pollution through the establishment of waste load allocations for point source discharges and load allocations for nonpoint sources. TMDLs are to be established at levels necessary to attain and maintain the applicable narrative and numerical water quality standards with consideration given to seasonal variations and a margin of safety.

- b. Determine that Walker Lake need not be listed for TDS and provide a copy of its decision to the Plaintiffs.
2. If Walker Lake is placed on Nevada's 2002 303(d) List for TDS, EPA agrees to establish a Walker Lake TDS TMDL by March 15, 2005, unless Nevada establishes and EPA approves a TMDL prior to March 15, 2005.

Prior to the issuance of the Consent Decree, the Nevada Division of Environmental Protection (NDEP) had already included Walker Lake on its 2002 303(d) List (dated October 2002). After discussions with EPA, NDEP agreed to develop a Walker Lake TDS TMDL in accordance with the Consent Decree. NDEP intends to meet the March 15, 2005 deadline established by the Consent Decree.

The Division is issuing this Public Notice to solicit public comment on the proposed TMDL project. Individuals, agencies and other entities are encouraged to provide comments, information and data which NDEP can take into consideration in developing the DRAFT TMDL Report. Written or E-mailed public comments should be submitted to NDEP-BWQP by 5:00 p.m. Friday, September 3, 2004. Questions or comments should be directed to:

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Following completion of the DRAFT TMDL report in November 2004 (anticipated date), public comment will again be solicited. Please contact Randy Pahl if you wish to be placed on the mailing list to receive notice on the availability of the DRAFT TMDL report.